

REMARKS

This amendment is in response to the non-final Office Action of November 16, 2006 in which claims 1-32 were rejected.

The Examiner has rejected the current independent claims on the basis of *Averbuch et al* (US 5,689,825). This reference was mentioned by the applicant at page 1, lines 9-18. It was stated there that *Averbuch et al* disclose:

...the use of a battery charger module with built-in connection to a PLMN (Public Land Mobile Network) network. The availability of a software update is detected by the mobile terminal, and the update is downloaded via the charger using the quality and speed of a fixed line network, when the terminal is placed in the charger. However, this solution is due to the rather costly and complicated dual connection viable only where the bandwidth over the air interface available is narrow, making the transfer of large data files slow, and when the signal quality is low resulting high error rates.

A review of *Averbuch et al* reveals further that the methodology disclosed in Figure 4 thereof is carried out within the battery charger/software downloader of Fig. 3 of *Averbuch et al*, not within the wireless unit of Fig. 2.

The independent method claims 1, 6, 11, 26 and 31 have been amended to make it clearer that the inventive methodology is carried out in the mobile terminal. This is consistent with the specification since all three flow-charts shown in Figs. 3-5 are described as being carried out in the mobile terminal. Likewise, the independent terminal claims 12, 15, 17 and 21 have been amended to make this clear.

Although the battery charger is disclosed and claimed in some of the independent claims as having the ability to share processing associated with background tasks, it is not disclosed or claimed in amended claims 23 and 24 in the way shown by *Averbuch et al*, i.e., being connected to a fixed line network and carried out in the charger/downloader. The amended claim 23 states that:

...said postponed tasks are terminal background tasks or tasks involving communication of data over an air interface connecting said terminal to a mobile wireless communication network.

Averbuch et al show neither a task involving communication of data over an air interface or the postponed tasks being terminal background tasks.

Claim 24 has been amended to include the limitation that the charger has a processor for sharing processing of the postponed tasks and that:

... wherein sharing task execution comprises sharing execution of postponed terminal background tasks carried out at least in part in said terminal, or sharing execution of tasks initiated by a user input to said terminal and carried out at least in part in said terminal, or sharing tasks involving communication of data over an air interface connecting said terminal to a mobile wireless communication network, or any combination thereof.

Thus, claim 24 also makes it clear that either that the postponed tasks are carried out at least in part in the terminal or that the tasks involve communication of data over an air interface connecting said terminal to a mobile wireless communication network.

Consequently, all of the independent claims, as amended, clearly differ from the disclosure of *Averbuch et al* and the amended claims do not read on the reference.

For example, regarding the reasons given by the Examiner as pertaining to the claims before the above amendment, please note the aspects in the comparison which follows below between amended claim 1 and *Averbuch et al*:

The Examiner's reference to col. 4, lines 30-39 of *Averbuch et al*, pertains only to the activity detector of the charger that performs determining the opportune time of execution for its own "tasks" (software update download). The amended claim 1 now specifies where the processing is taking place so that it becomes clearer that the current invention pertains to a terminal's tasks to be performed by the terminal upon a proper moment determined as well by the terminal.

The citation to column 4, line 44 through column 5, line 67 pertains to the flowchart of Fig. 4 of *Averbuch et al* which is carried out in the charger/downloader, not the terminal. Claim 1 has been amended to state that the claimed “receiving” is in the mobile wireless communication terminal instructions to perform one or more tasks that can be executed in the terminal with a delay. Thus the Examiner’s interpretation of the former claim language pertaining to the delay is moot. But it should be mentioned anyway that the language --“receiving in the mobile terminal instructions...with a delay” interpreted by the Examiner as “read as at a later time”, is basically interpretation of the term “delay”; however, it might have been said that software update flag of *Averbuch et al* (see col.3, rows 3-5) received in the terminal is just a notification, not an instruction of any kind.

Regarding the limitation of “storing said instructions in a queue,” the cited “ordered blocks” of *Averbuch et al* refer to block size used for downloading the updated software in the charger. This is therefore just a common packet data transfer technique, e.g. a single application is, prior to transmission, divided into multiple packets having a running number to enable proper positioning thereof at the receiving entity; it has nothing to do with the current invention wherein an instruction is a more conceptual term and basically refers to a task (e.g. mail send/receive action). Claim 1 has been amended to read “one or more instructions to respectively perform one or more tasks...”.

Regarding the “checking in said terminal...executing said tasks upon...”; in *Averbuch et al* the terminal does not seem to check, it’s the charger who makes the analysis and decisions.

Regarding independent claim 6 (and corresponding further independent claims), wherein optimum “time intervals” are defined, the Examiner makes an incorrect argument: the cited portion (col. 4, row 36-39) says “usage profile of the physical connection,” but in *Averbuch et al* such a physical connection is the land-line connection between the charger 108 and the server 104 providing the software update (see fig. 1), and it’s mentioned on the previous few lines that this physical connection may be shared by the modem, conventional telephone, and the charger in question. Thus, the presently claimed invention (with the battery charging routines of the user, i.e. the connection times between the mobile terminal

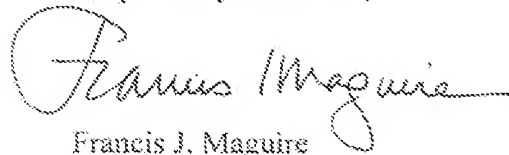
and the charger) does not read on such a usage profile model as disclosed by *Averbuch et al.* Further, in *Averbuch et al.*, the terminal does not monitor and calculate any time intervals, it's the charger instead.

In view of the foregoing, withdrawal of the novelty rejections is requested.

Regarding the obviousness rejection of the dependent claims 15-16, 23-24 and 31 based on *Averbuch et al* in view of *Cannon et al* (US 6,792,297), these are at least patentable for the same reasons as given above and withdrawal of the obviousness rejection is requested.

The objections and rejections of the office action of November 16, 2007, having been obviated by amendment or shown to be inapplicable, withdrawal thereof is requested and passage of claims 1-32, as amended, to issue is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, reading "Francis J. Maguire". The signature is written in a cursive, flowing style with a long horizontal line extending from the end.

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